

MÉLANGES

‘ PECULIARIS POPULUS ’ IN TWO PAPAL LETTERS OF THE EARLY EIGHTH CENTURY

In the first two of many papal appeals to the Carolingians for aid against the Lombards, Pope Gregory III, writing to Charles Martel, introduces the phrase *peculiaris populus*, with reference to the inhabitants of the City of Rome. In 739, he wrote :

‘ ... te esse amatorem filium beati Petri principis apostolorum et nostrorum, et quod pro eius reverencia nostris oboedias mandatis ad defendendam ecclesiam Dei et peculiarem populum : ... ’

and,

‘ ut cognoscant omnes gentes tuam fidem et puritatem atque amorem, quae habes erga principem apostolorum beatum Petrum et nos eiusque peculiarem populum zelando et defendendo ; ... ’

In the following year, he wrote :

‘ ... dum tales ac tanti filii suam spiritalem matrem, sanctam Dei ecclesiam, eiusque populum peculiarem non conantur defendere. ’

and, in a reference to St Peter’s power to protect his own,

‘ Potens est ... ipse princeps apostolorum per a Deo sibi concessam potestatem suam defendere domum et populum peculiarem... ’¹

1. *Codex Carolinus*, 1 and 2, in MGH., *Epp.* III, pp. 476-8.

Historians treating of this important period have generally given the word *peculiaris* the force of 'elect', 'chosen', 'special', and have seen a reference by Gregory to Deuteronomy vii, 6, and xxvi, 18 : in the Vulgate version :

'Quia populus sanctus es Domino Deo tuo. Te elegit Dominus Deus tuus, ut sis ei populus peculiaris de cunctis populis, qui sunt super terram...

and

'Et Dominus elegit te hodie, ut sis ei populus peculiaris, sicut locutus est tibi, et custodias omnia praecepta illius...'

From these, they have drawn the inference that the phrase represents a stage in the papacy's withdrawal from the ideology of the Roman Empire and its sovereignty and its replacement by a scripturally-based notion of authority, such as within a few years led to the establishment of the Carolingian monarchy.² The exact force of the word, and its constitutional implications, may however be challenged.

Undoubtedly, Deuteronomy, with its themes of the Covenant between God and His chosen people, the entry into a promised inheritance and the notion of a holy war, the expectation of a central sanctuary for worship, of a kingship and of a common code of moral conduct, would well express what many scholars have seen as the aims of papal policy at this time. But, the use of this one word apart, no other theme from Deuteronomy is developed ; if Gregory III had seriously tried to make use of the book, he would have found a much more forceful exemplar in Leo the Great's evocation of the work of SS Peter and Paul as the creators of a New Israel in Rome :

'Isti sunt qui te ad hanc gloriam provexerunt, ut gens sancta, populus electus, civitas sacerdotalis et regia...'³

2. E.g., W. Ullmann, *The Growth of Papal Government in the Middle Ages*, London, 1955, p. 63, n. 3 ; D. H. Miller, *The Roman Revolution of the Eighth Century : A Study of the Ideological background of the Papal Separation from Byzantium and alliance with the Franks*, in *Mediaeval Studies*, 36, 1974, p. 112 ; O. Bertolini, *Le Origini del potere temporale e del dominio temporale dei Papi*, in *Settimane di Studio del Centro italiano di Studi sull'alto medioevo*, XX, (Spoleto, 1973), vol. 1, p. 249.

3. Leo the Great, *Sermo* 82, (Migne, PL. 54, 422).

In this far better pointed and more exact application, Leo avoids the word *peculiaris*, and he was a man well versed in Roman legal usage and habits of thought.

The Vulgate *peculiaris* represents the Hebrew *sēgullā*, the special possession, the special treasure, especially the riches of a king, an idea of abundance, of reserves of wealth, which is also conveyed by the Septuagint use of λαὸν περιούσιον. But the Vulgate avoids *peculiaris* in at least one place where the Greek is used, in *Titus*, 2, 14, where the rendering is *populum acceptabilem*. It would seem that Jerome, and perhaps Leo after him, recognised in *peculiaris* a technical character.⁴

In Roman law, *peculium* was 'the money or property managed more or less as his own by a person incapable of legal ownership', as by a slave or any other person under the authority of a *paterfamilias*.⁵ In actual practice, there was probably a recognition of social or conventional ownership, but without ultimate *dominium* over possessions. We find this concept continuing in both law codes and actual practice. The *Lex Romana Visigothorum*, for example, lays down restrictions on a slave's disposal of his *peculium*; he might add to it by inheritance or purchase but, as a chattel himself, he could not dispose of it at will. In Italy, less than a century before Gregory III wrote, the *Edictum Rothari* (c. 234) laid down:

'servus massarius licentiam habeat de peculio suo. id est bovem, vaccam, caballum similiter et de minutis peculiis in socio dare...';

his right of disposal is limited by the necessity for his master's consent or association.⁶ In Gaul, the testament of Irmina, of 698, specifies the bequest of serfs and their *peculium* together:

'similiter dono ad iam dicta loca sanctorum vineae pedeturam unam in Monte Viennensi cum vinitore nostro Alitfrido cum omni peculiari suo'.⁷

4. S. R. Driver, *Deuteronomy* (International Critical Commentary, Edinburgh, 1895), p. 100.

5. *Oxford Latin Dictionary*, VI, Oxford, 1977, s.v. *peculium*.

6. *Lex Romana Visigothorum*, X, 1, 18: see also P. D. King, *Law and Society in the Visigothic Kingdom*, Cambridge, 1972, pp. 170-1. *Edictum Rothari*, c. 234.

7. Cited in Du Cange, *Glossarium Mediae et Infimae Latinitatis*, VI, s.v. *peculium*.

This technical use of *peculiaris* was then still accepted in Roman and Vulgar Latin legal usage. If Gregory III is using it in this precise manner, rather than as a very slender scriptural allusion whose points he fails to pursue, what does he imply? The people of Rome, on whose behalf he is begging for aid, are a *peculium* of the *ecclesia Dei*, and of the *beatus Petrus*: in effect, of himself as Pope and embodiment of St Peter's Church. But this, logically, is to deny to the Church, St Peter or himself, any *dominium* over Rome or the Romans: he executes only derivatory, executive powers over what is properly within the *dominium* of another. That other might be God, as *paterfamilias*; but Gregory makes no effort to draw out the implications of such a universal lordship but is talking in strictly local terms. This other can only be the Roman Emperor in Constantinople, the *dominus* of the Roman world.

In 739-40, Gregory III's position was delicate. He was at loggerheads with the Emperor Leo III, not only over doctrine, Iconoclasm, but also over legal and constitutional matters, the confiscation of papal estates in Sicily and South Italy, charges of fomenting disloyalty in imperial Italy and of withholding taxes. The Pope is anxious to preserve the *status quo*, the constitutional position by which the Church exercised a large measure of governmental authority on behalf of the Emperor and which Leo, against precedent, is threatening to revoke: a constitutional position exactly described by *peculium*. At the same time, he needs aid against the Lombards, which a weakened Empire cannot supply. Papal contacts with the Carolingians have not been particularly strong; there was some mutual suspicion and, under Carolingian leadership, the Franks were beginning to acquire a sense of their own destiny, their own divine election. For Gregory to have applied Deuteronomic terms of election, *de cunctis populis, qui sunt super terram*, to the enfeebled Romans exclusively, would have been tactless; for him to have openly requested the Franks to sustain imperial sovereignty would have been equally useless. Gregory's appeal is couched in terms of personal fidelity and devotion to St Peter; the devotion of the *amator*, devotee of a cult. But he is, in respect of the Emperor, covering himself by a

muted disclaimer to actual *dominium*, such as occurs a few years later in the *Constitutum Constantini*; any final settlement must be within the context of the Emperor's *dominium*, and his alone. Gregory is asserting the principles of Roman law, and acknowledging the Emperor's, not the Church's, ultimate sovereignty.⁸

Bangor

Peter LLEWELLYN

8. I hope shortly to publish an interpretation of the Papacy's constitutional and legal attitudes in the early Eighth century, in which these letters will be placed in their full context.